

EXHIBIT 6

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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**

12 JOHN DOE 1 and JOHN DOE 2, on Behalf
of Themselves and All Other Persons
13 Similarly Situated,

14 Plaintiffs,

15 vs.

16 ABBOTT LABORATORIES,

17 Defendant.

Case No. C-04-1511 CW

**DEFENDANT ABBOTT
LABORATORIES' RESPONSES TO
PLAINTIFFS' FIRST DOCUMENT
REQUESTS**

The Honorable Judge Wilken

1 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
2 broad, unduly burdensome, vague, ambiguous, and not reasonably calculated to lead to the discovery
3 of admissible evidence. Without waiving its objections and subject to them, Abbott agrees to
4 produce non-privileged monthly, quarterly and/or annual summary reports, to the extent they exist,
5 reflecting sales volumes for Kaletra since its introduction.
6

7 **DOCUMENT REQUEST NO. 3:** All weekly, monthly, quarterly, annual or other
8 summary reports that refer or relate to the costs, including development, production, shipping, and
9 distribution, incurred by you for the sale of Norvir from its introduction to the present.

10 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
11 broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery
12 of admissible evidence.
13

14 **DOCUMENT REQUEST NO. 4:** All weekly, monthly, quarterly, annual or other
15 summary reports that refer or relate to the costs, including development, production, shipping, and
16 distribution, incurred by you for the sale of Kaletra from its introduction to the present.

17 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
18 broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery
19 of admissible evidence.
20

21 **DOCUMENT REQUEST NO. 5:** All weekly, monthly, quarterly, annual or other
22 summary reports that refer or relate to revenues and/or profits derived by you from the sale of Norvir
23 from its introduction to the present time.

24 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
25 broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible
26 evidence. Without waiving its objections and subject to them, Abbott agrees to produce non-
27 privileged monthly, quarterly and/or annual summary reports, to the extent they exist, reflecting the
28 revenues and/or profits derived by Abbott from the sale of Norvir.

1 **DOCUMENT REQUEST NO. 14:** Any and all documents concerning or embodying
2 market penetration studies of Kaletra.

3 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
4 broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery
5 of admissible evidence. Abbott also objects to the extent that this request seeks information
6 protected by the attorney-client privilege and/or the work product doctrine. Without waiving its
7 objections and subject to them, Abbott agrees to produce non-privileged, responsive documents, to
8 the extent they exist, that were authored or created in the year 2003 or thereafter.

9
10 **DOCUMENT REQUEST NO. 15:** Any and all documents that refer or relate to the
11 market share of Kaletra in the protease inhibitor market.

12 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
13 broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery
14 of admissible evidence. Abbott also objects to the extent that this request seeks information
15 protected by the attorney-client privilege and/or the work product doctrine. Without waiving its
16 objections and subject to them, Abbott agrees to produce non-privileged, responsive documents, to
17 the extent they exist, that were authored or created in the year 2003 or thereafter.

18
19 **DOCUMENT REQUEST NO. 16:** Any and all documents that refer or relate to the
20 marketing of Norvir from introduction to the present time.

21 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
22 broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible
23 evidence.

24
25 **DOCUMENT REQUEST NO. 17:** Any and all documents that refer or relate to the
26 marketing of Kaletra from introduction to the present time.

1 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
2 broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible
3 evidence.

4 **DOCUMENT REQUEST NO. 18:** Any and all documents that refer or relate to terms and
5 conditions of sales of Norvir and Kaletra, including but not limited to, any discount or rebate
6 programs you had in place during the relevant time period.

7 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
8 broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery
9 of admissible evidence. Abbott also objects to the extent that this request seeks information
10 protected by the attorney-client privilege and/or the work product doctrine. Without waiving its
11 objections and subject to them, Abbott agrees to produce non-privileged documents, to the extent
12 they exist, authored or created in the year 2003 or thereafter relating to patients' access to Norvir and
13 Kaletra, the pricing of Norvir and Kaletra and any discount or rebate programs relating to Norvir and
14 Kaletra.
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16

17 **DOCUMENT REQUEST NO. 19:** Any and all documents that refer or relate to: (a) any
18 rebate or administrative fee offered or paid by you to any managed care company, pharmacy
19 manager or other entity or individual for the sale or promotion of Norvir and/or Kaletra; (b) any
20 "mark & retention" agreements, incentive agreements or other agreements between you and any
21 pharmacy or drug store relating to the maintenance, sale or promotion of Norvir and/or Kaletra; and
22 (c) any "inventory management" agreements or other agreements providing for rebates or extended
23 payment terms, between you and any wholesaler of Norvir and/or Kaletra.
24

25 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
26 broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery
27 of admissible evidence. Abbott also objects to the extent that this request seeks information
28 protected by the attorney-client privilege and/or the work product doctrine. Without waiving its

1 objections and subject to them, Abbott agrees to produce non-privileged, responsive documents, to
2 the extent they exist.

3 **DOCUMENT REQUEST NO. 51:** Any and all documents or communications that refer
4 or relate to any alleged infringement of Patent 157.

5 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
6 broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery
7 of admissible evidence. Abbott also objects to the extent that this request seeks information
8 protected by the attorney-client privilege and/or the work product doctrine. Without waiving its
9 objections and subject to them, Abbott agrees to produce non-privileged, responsive documents, to
10 the extent they exist.

11 **DOCUMENT REQUEST NO. 52:** Any and all documents that refer or relate to whether
12 Abbott has recouped its costs relating to its development and manufacturing of Norvir, including, but
13 not limited to, research and development.

14 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
15 broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible
16 evidence. Abbott also objects to the extent that this request seeks information protected by the
17 attorney-client privilege and/or the work product doctrine. Without waiving its objections and
18 subject to them, Abbott agrees to produce non-privileged, responsive documents, to the extent they
19 exist.

20 **DOCUMENT REQUEST NO. 53:** Any and all documents concerning or embodying
21 information about the financial sources for each study, clinical trial or protocol or study known to
22 you concerning the safety and efficacy of Norvir and/or Kaletra, including, but not limited to,
23 government sources.

24 **RESPONSE:** In addition to its general objections, Abbott objects to this request as overly
25 broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible
26

1 information relating to expert witnesses and related materials before the time for such information
2 and materials to be disclosed and prior to any determination by Abbott as to which expert witnesses,
3 if any, will present opinions at trial. Subject to and without waiving its objections, Abbott answers
4 that it will produce such documents at the appropriate stage in litigation pursuant to the court's
5 scheduling order.
6

7 Dated: March 14, 2005

WINSTON & STRAWN LLP

8
9
10 By:



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ABBOTT LABORATORIES

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